

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

07 DEC 31 PM 2:59

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID KAYNE, an individual citizen
of Georgia,

Plaintiff,

vs.

THE THOMAS KINKADE COMPANY,
formerly known as MEDIA ARTS
GROUP, INC., a Delaware Corporation,

Defendant.

Case No. C 07-4721 SI

**PRO SE NOTICE OF APPEAL BY
PLAINTIFF DAVID KAYNE**

Notice is hereby given that David Kayne, Plaintiff in the above named case,
hereby appeals Pro Se to the United States Court of Appeals for the Ninth Circuit
from an Order Granting Defendant's Motion to Dismiss and Denying Defendant's
Motion to Strike, entered in this action on the 5th day of December, 2007.



David Kayne

Address: 5047 B U Bowman Dr

#100 / Buford, CA 92518

5010737_v1

PROOF OF SERVICE

I, the undersigned, hereby declare that I am over the age of 18 years and not a party to the above-captioned action; that my business address is 50 California Street, Suite 2800, San Francisco, CA 94111-4624.

On December 31, 2007, the following document(s) were served:

**PRO SE NOTICE OF APPEAL BY
PLAINTIFF DAVID KAYNE**

on the parties to this action at the following address(es):

Charles Edward Weir, Esq.
McDermott Will & Emery
2049 Century Park E
Los Angeles, CA 90067-3208
Tel: (310) 284-6159
Fax: (310) 277-4110

☒ **(BY MAIL)** I caused a true copy of each document(s) to be placed in a sealed envelope with first-class postage affixed and placed the envelope for collection. Mail is collected daily at my office and placed in a United States Postal Service collection box for pickup and delivery that same day.

☐ **(BY MESSENGER)** I caused a true copy of each document(s) to be delivered by hand to the office(s) of each addressee.

☐ **(BY FACSIMILE)** I caused a true copy of each document(s) to be transmitted by fax to the addressee(s) at the fax number(s) noted above. The fax machine used complied with California Rules of Court §2003(3) and no error was reported.

☐ **(BY FEDERAL EXPRESS)** I caused a true and correct copy of each document to be placed in a sealed Federal Express Envelope, and picked up by **FEDERAL EXPRESS**, with whom this firm has an ongoing account and placed the envelope for collection. Federal Express is collected daily at my office.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed December 31, 2007, at San Francisco, California.


Beverley Huppert